

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TAMMY SANDERS,
Plaintiff,

v.

YALL POLICEMAN, et al.,
Defendants.

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No. 3:05-CV-1061-N

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the provisions of 28 U.S.C. § 636(b), and an order of the District Court in implementation thereof, this case has been referred to the United States Magistrate Judge. The findings, conclusions and recommendation of the Magistrate Judge, as evidenced by his signature thereto, are as follows:

FINDINGS AND CONCLUSIONS:

Plaintiff filed her complaint along with a civil cover sheet on May 23, 2005. The complaint is illegible and Plaintiff has checked every possible box under heading IV of the cover sheet, which is intended to indicate the nature of the suit filed.

The court has not issued process in this case. However, on June 6, 2005, the magistrate judge issued an order to Plaintiff directing her to file an amended complaint which was legible and complied with Fed. R. Civ. P. 8(a). As of the date of this recommendation, Plaintiff has not filed an amended complaint.

Findings and Conclusions: Fed. R. Civ. P. 41(b) allows a court to dismiss an action sua sponte for failure to prosecute or for failure to comply with the federal rules or any court order. *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir.1998). "This authority [under Rule 41(b)] flows from the court's inherent power to control its docket and prevent undue delays in the disposition of pending cases." *Boudwin v. Graystone Ins. Co., Ltd.*, 756 F.2d

399, 401 (5th Cir.1985)(citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 82 S.Ct. 1386(1962)).

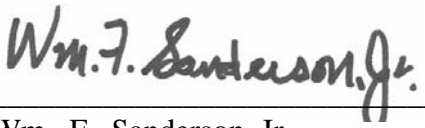
Because Plaintiff has been given ample opportunity to file an amended complaint, but has failed or refused to do so, Plaintiff's claims against all parties should be dismissed for want of prosecution.

RECOMMENDATION

For the foregoing reasons, it is recommended that Plaintiff's claims against Defendants be dismissed for want of prosecution pursuant to Fed. R. Civ. P. 41(b).

A copy of this recommendation shall be transmitted to Plaintiff.

Signed this 20th day of July, 2005.



Wm. F. Sanderson, Jr.
United States Magistrate Judge

NOTICE

In the event that you wish to object to this recommendation, you are hereby notified that you must file your written objections within ten days after being served with a copy of this recommendation. Pursuant to *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996)(*en banc*), a party's failure to file written objections to these proposed findings of fact and conclusions of law within such ten-day period may bar a *de novo* determination by the district judge of any finding of fact or conclusion of law and shall bar such party, except upon grounds of plain error, from attacking on appeal the unobjected to proposed findings of fact and conclusions of law accepted by the district court.